

**REMARKS**

Reconsideration is respectfully requested.

On entry of this amendment, claims 2-7, 13, 16 are amended. Claims 1, 8-12, 14-15, and 19-21 are reiterated. Claims 1-16 and 19-21 are pending.

Applicants respectfully thank the Examiner for the interview of September 5, 2003. The claim amendments are consistent with those discussions.

**Information Disclosure Statement**

Applicants respectfully thank the Examiner for considering the information disclosure statement.

**Withdraw of Objections and Rejections**

Applicants respectfully thank the Examiner for withdrawing the objections and rejections in the previous Office Action.

**Claim Objections**

The Examiner has objected to claims 3-5. The Examiner states that the use of the 'A' to refer to the kringle 5 peptide ...is improper and the word 'A' should be deleted and 'The' inserted.

Applicants have replaced the word 'A' with the word 'The' in claims 3-5. Accordingly, this ground for objection is moot. Applicants respectfully ask that it be withdrawn.

**Claim Rejections – 35 U.S.C. § 112, 2<sup>nd</sup> Paragraph**

The Examiner has rejected claims 1-9 and 13-16 as indefinite under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph for failing to particularly point out or distinctly claim the subject matter which applicants regard as the invention.

**A. Claims 1-4**

The Examiner has rejected claims 1-4. Specifically, the Examiner states that claims 1-4 are indefinite the recitation of "modified" and "derivative" wherein it is unclear if the claimed invention is a modified peptide or peptide derivative.

Without admitting or acquiescing to the Examiner's rejection, Applicants have amended the claims to clarify the language of the claims. Specifically, Applicants have amended rejected claims 2-4 to have correct antecedent basis in claim 1.

The amendment merely makes explicit what was already implicit in the claims.

This ground for rejection is now moot. Applicants respectfully request that it be withdrawn.

Claims 5-6

The Examiner has rejected claims 5-6 as indefinite for depending from rejected claims. Claims 5-6 depend from claim 2.

Amended claim 2 is now in condition for allowance. Accordingly, Applicants respectfully request that this ground for rejection be withdrawn.

Claim 7

The Examiner has rejected claim 7 as indefinite for reciting the phrase "or analog thereof." Specifically, the Examiner alleges that "it is unclear if the claim is drawn to an analog of the peptide derivative or if the claim is drawn to both a derivative of the peptide and an analog of the peptide.

Applicant have amended claim 7 to remove the phrase "or analog thereof." Accordingly, this ground for rejection is now moot. Applicants respectfully request that it be withdrawn.

Claims 8-9

The Examiner has rejected claims 8-9 as indefinite for depending from a rejected claim. Claims 8 and 9 depend from claim 7.

Amended claim 7 is now in condition for allowance. Accordingly, Applicants respectfully request that this ground for rejection be withdrawn.

Claim 13

The Examiner has rejected claim 13 as indefinite. Specifically, the Examiner alleges that the phrase "treating angiogenesis" is indefinite. The Examiner asserts that "claim 13 reads as if treating angiogenesis is inhibiting or reducing angiogenesis and enhancing or stimulating angiogenesis." The Examiner suggests that "the claims should be amended to read as if the compound is for the inhibition or reduction of angiogenesis in patients in need thereof."

Applicants respectfully traverse this ground for rejection. However, without acknowledging or acquiescing to the Examiner's rejection, and solely to advance prosecution, Applicants have amended claim 13 to recite "inhibiting or reducing angiogenesis in a human patient in need thereof," as suggested by the Examiner.

This ground for rejection is therefore moot. Applicants respectfully request that it be withdrawn.

Claims 14-16

The Examiner has rejected claims 14-16 as indefinite for depending from a rejected claim. Claims 14 depends from claim 13. Claims 15 and 16 depend from claim 14.

Amended claim 13 is now in condition for allowance. The rejection of claims 14-16 for depending from a rejected claim is therefore moot. Applicants respectfully request that this ground for rejection be withdrawn.

**Conclusion**

Applicants respectfully thank the Examiner for noting that claims 10-12 and 19-21 are free of the prior art and are allowable.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant(s) petition(s) for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **500862001400**.

Dated: September 17, 2003

Respectfully submitted,

By



Timothy A. Worrall

Registration No.: 54,552

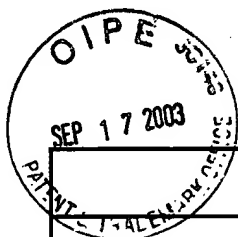
MORRISON & FOERSTER LLP

425 Market Street

San Francisco, California 94105

(415) 268-7000

Attorneys for Applicant



## Interview Summary

RECEIVED

Application No.: 09/657,431 First Named Applicant: Dominique P. BRIDON  
Examiner: B. Chism Art Unit: 1654

SEP 26 2003

TECH CENTER 1600/2900

### Participants:

(1) B. Dell Chism (2) Timothy A. Worrall  
(3) \_\_\_\_\_ (4) \_\_\_\_\_

Date of Interview: September 5, 2003

### Type of Interview:

(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video Conference

Exhibits Shown or Demonstrated: ☐ YES ☒ NO

If yes, provide brief description: \_\_\_\_\_

## Issues Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>Indefiniteness</u>	<u>1-4</u>	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Continuation Sheet Attached

### Brief Interview Summary:

The language of claims 1-4 was discussed. The Examiner indicated that the reason for the rejection was the lack of antecedent basis in using the term "derivative" in claims 3 and 4. Applicants agreed to amend the claims to correct the lack of antecedent basis.

TIMOTHY A. WORRALL (Reg. No. 54,552)  
(Applicant/Applicant's Representative Signature)

September 17, 2003